IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1053 OF 2006

IN

APPEAL NO. 457 OF 2006

IN

SUIT NO. 339 OF 1991

Miss Thrity Sam Shroff .. Appellant

V/s

Mehroo Meherji Vakil & Ors. .. Respondents

Mr. Rustom Bagalia with Ms.V.S. Jagtap for the Appellant.

Mr.H.J. Thakkar, Senior Advocate with Mrs. Meherji and Mr. Vishal Thakkar i/b Gagrats for Respondents No.1 to 3.

CORAM : H.L. GOKHALE & J.P. DEVADHAR, JJ.

DATE : 26th September 2006

P.C. :

1. Heard Mr.Bagalia in support of this chamber summons which is taken out by the Appellant herein. Mr.Thakkar, Senior Advocate, appears for Respondents No.1 to 3, who are the main contestants. Other Respondents are served.

2. This chamber summons seeks an amendment of the

Appeal Memo and seeks to add certain documents and certain grounds marked as Grounds (S)(i) to (xiii). The chamber summons also seeks to add prayer (b)(iii) in the Appeal Memo. Chamber summons is moved on the footing of certain corrections to the impugned judgment granted by the learned Single Judge by his order dated 19th July 2006 on the praecipe filed by Respondents No.1 to 3 herein. The Appellant is particularly aggrieved by the additions vide clauses (e) and (f) of that praecipe. It is submitted by Mr.Bagalia in support of this chamber summons that these corrections were not called for and were contrary to the evidence on record. As against this, Mr.Thakkar states that these are only typographical corrections and there is no reason for any ground to be added in the Appeal Memo on that footing.

3. Appeal has already been admitted. That being so, in our view, the Appellant should be permitted to add these grounds if she is of the view that they should be raised when the Appeal is finally heard and decided. It will certainly be open to the Respondents to make their submissions when the Appeal is heard and decided. Grant of this amendment does not mean any reflection on the order passed by the learned Single Judge granting corrections in his judgment. That is an aspect which will be looked into when the Appeal is heard and decided.

4. For the reasons stated above, we grant this chamber summons in terms of prayer (a). Appellant will carry out the amendment within 2 weeks and similarly the copies of the Respondents will also be amended within 2 weeks thereafter.

5. Chamber summons stands disposed of.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR J.)